

AMENDED IN ASSEMBLY APRIL 9, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1447

Introduced by Assembly Member ~~Low~~ Alejo

February 27, 2015

An act to ~~amend Section 14549 of, and to add Chapter 3 (commencing with Section 18050) to Division 12.7 to Section 14548 to,~~ the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as amended, ~~Low~~ Alejo. Solid waste: ~~PET~~ food and beverage packaging.

~~The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, generally regulates the management and recycling of solid waste.~~

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires each glass container manufacturer in the state to use a minimum percentage of 35% of postfilled glass, except as specified, in the manufacturing of glass food, drink, or beverage containers. A violation of the act is a crime, except as specified.

The bill would clarify that for purposes of the minimum postfilled glass requirement, a glass container manufacturer in the state includes a glass container manufacturer who imports glass containers from outside of the state for filling.

~~Existing~~

(2) Existing law requires all rigid plastic bottles and rigid plastic containers, including bottles and containers composed of polyethylene

~~terephthalate, terephthalate (PET), sold in California on and after January 1, 1992, to be labeled with a code which indicates the resin used to produce the rigid plastic bottle or rigid plastic container.~~

~~This bill would require, require under the California Beverage Container Recycling and Litter Reduction Act, on and after January 1, 2017, and annually thereafter, a California manufacturer of containers PET plastic packaging primarily composed of polyethylene terephthalate (PET) and used for to contain food or beverages to report to the department, in a manner determined by the department, certain information, including the total amount of tons of new PET plastic packaging made for sale by that manufacturer. The bill would require, on and after July 1, 2016, every manufacturer of PET plastic packaging for sale in the state to include a minimum of 10% of postfilled PET plastic in its PET plastic packaging.~~

~~(3) By expanding the scope of the California Beverage Container Recycling and Litter Reduction Act, a violation of which is a crime, the bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14548 is added to the Public Resources
- 2 Code, to read:
- 3 14548. (a) For purposes of this section, "PET plastic
- 4 packaging" means beverage containers or food or drink packaging
- 5 material consisting primarily of polyethylene terephthalate (PET)
- 6 and used to contain food or beverages.
- 7 (b) On and after January 1, 2017, and annually thereafter,
- 8 every manufacturer of PET plastic packaging for sale in the state
- 9 shall report to the department, in a manner determined by the
- 10 department, both of the following:
- 11 (1) The total amount of tons of new PET plastic packaging made
- 12 for sale by that manufacturer.

1 (2) *The total amount of postfilled PET plastic used in the*
2 *manufacturing of that packaging.*

3 (c) *On and after July 1, 2016, each manufacturer of PET plastic*
4 *packaging for sale in the state shall include a minimum of 10*
5 *percent of postfilled PET plastic in the PET plastic packaging that*
6 *it manufactures, measured in the aggregate, on an annual basis.*

7 SEC. 2. *Section 14549 of the Public Resources Code is*
8 *amended to read:*

9 14549. (a) Every glass container manufacturer shall report to
10 the department each month, by a method as determined by the
11 department, the amount of total tons of new glass food, drink, and
12 beverage containers made in California by that glass container
13 manufacturer and the tons of California postfilled glass used in
14 the manufacturing of those new containers.

15 (b) Each glass container manufacturer in the—state state,
16 *including a glass container manufacturer who imports glass*
17 *containers from outside of the state for filling,* shall use a minimum
18 percentage of 35 percent of postfilled glass in the manufacturing
19 of ~~their~~ its glass food, drink, or beverage containers measured in
20 the aggregate, on an annual basis, except that if a glass container
21 manufacturer demonstrates to the satisfaction of the department
22 that its use of postfilled glass during the annual period is made up
23 of at least 50 percent mixed-color cullet, then that manufacturer
24 shall use a minimum percentage of 25 percent postfilled glass in
25 the manufacturing of its glass food, drink, or beverage containers,
26 measured in the aggregate, on an annual basis.

27 (c) A glass container manufacturer may seek a reduction or
28 waiver of the minimum postfilled glass percentage required to be
29 used in the manufacture of glass food, drink, or beverage containers
30 pursuant to subdivision (b). The department may grant a reduction
31 or waiver of the percentage requirement if it finds and determines
32 that it is technologically infeasible for the glass container
33 manufacturer to achieve the percentage requirement or if the
34 department determines that a glass container manufacturer cannot
35 achieve the minimum percentage because of a lack of available
36 glass cullet.

37 (d) For the purposes of this section, “mixed-color cullet” means
38 cullet that does not meet the American Society for Testing and
39 Materials (ASTM) standard specifications for color mix of color

1 sorted postfilled glass as raw material for the manufacture of glass
2 containers.

3 *SEC. 3. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 ~~SECTION 1. Chapter 3 (commencing with Section 18050) is~~
13 ~~added to Division 12.7 of the Public Resources Code, to read:~~

14
15 ~~CHAPTER 3. PET FOOD PLASTIC PACKAGING~~

16
17 ~~18050. For purposes of this chapter, "PET plastic packaging"~~
18 ~~means packaging consisting primarily of polyethylene terephthalate~~
19 ~~(PET) and used to contain food or beverages.~~

20 ~~18052. On and after January 1, 2017, and annually thereafter,~~
21 ~~every manufacturer of PET plastic packaging in the state shall~~
22 ~~report to the Department of Resources Recycling and Recovery,~~
23 ~~in a manner determined by the department, both of the following:~~

24 ~~(a)~~
25 ~~The total amount of tons of new PET plastic packaging made~~
26 ~~for sale by that manufacturer.~~

27 ~~(b)~~
28 ~~The total amount of postfilled PET plastic used in the~~
29 ~~manufacturing of that packaging.~~